

UNDER SEAL
PROTECTED INFORMATION TO BE
DISCLOSED ONLY IN ACCORDANCE WITH
U.S. COURT OF FEDERAL CLAIMS PROTECTIVE ORDER

In the United States Court of Federal Claims

No. 97-579C
(Filed December 13, 2006)

SGS-92-X003,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER TO SHOW CAUSE

On December 12, 2006, Defendant filed proposed redactions to this Court's opinion denying the parties cross-motions for summary judgment. The redactions concern portions of the Drug Enforcement Agency's (DEA) Manual.

Defendant shall show cause why the referenced portions of the DEA Manual are confidential and why the proposed redactions are warranted by **December 29, 2006**.¹

It is so **ORDERED**.

¹The Court invites the attention of the parties to the following cases: Sladek v. Bensinger, 605 F.2d 899 (5th Cir. 1979)(DEA Manual provisions describing handling of confidential informants and search warrant procedures may be disclosed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a)(2)(C)); Cox v. United States Department of Justice, 576 F.2d 1302, 1306-08 (9th Cir. 1978)(DEA Manual may be disclosed under FOIA); Hawkes v. Internal Revenue Service, 467 F.2d 787, 795 (6th Cir. 1972) (Internal Revenue Service staff manual may be disclosed under § 552(a)(2)(C)); Doe v. United States, 58 Fed. Cl. 479, 488 (2003)("A [confidential source] may be paid on a commission basis. . . . DEA's Agents Manual P 6612.61(A)(2)").

s/Mary Ellen Coster Williams

MARY ELLEN COSTER WILLIAMS

Judge